

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

	)	
	)	
BARRIE SANDY,	)	
	)	No. <u>C-08-3052</u> SC
	)	
Plaintiffs,	)	
	)	ORDER RE: COURT TRIAL
v.	)	PREPARATION FOR JUDGE
	)	<u>SAMUEL CONTI</u>
MARK MCCLURE, et al.,	)	
	)	
	)	
Defendants.	)	
_____	)	

COURT TRIAL PREPARATION FOR JUDGE CONTI

A. Required Submissions

No later than fourteen (14) calendar days before trial, each party shall e-file with this court, serve upon all other parties and provide three courtesy copies directly to chambers of the following:

(1) Proposed Findings of Fact and Conclusions of Law (a fourth copy of which must be provided in Word format and e-mailed to Judge Conti's proposed order mail box, scPO@cand.uscourts.gov).

(2) A trial brief.

(3) A list of exhibits conforming substantially to the form attached as Appendix A. Upon request of a party, any party shall make the original of any exhibit available for inspection and/or copying.

(4) A list of witnesses, including expert witnesses, in the expected order of their presentation. The witness list shall also include:

- (a) a brief statement as to the content of the witness' testimony;
- (b) an estimate of the time of the witness' testimony, on both direct and cross examination;
- (c) any expert testimony shall strictly comply with FRC Rule 26(a);
- (d) any Daubert objections to the testimony of any expert or witness should be raised with the Court by motion (10) days before trial. Or objection is WAIVED.

No witnesses other than those on said list shall be allowed to testify, except upon express order of this court.

(5) A statement designating all excerpts from depositions (specifying the witness' name, with page and line references), answers to interrogatories, and responses to requests for admission to be offered at trial for any purpose other than impeachment or rebuttal.

#### B. Exhibit Binders

Exhibits that can be reduced to 8.5" by 11" form (i.e. written documents, photographs, etc.) should be placed in three-ring binders with each exhibit tabbed on the side. A copy of the exhibit list should be placed in the front of the binder.

Binders should be clearly labeled on the outside as to which party's exhibits and what exhibit numbers they contain. The parties should prepare three (3) sets of binders: one for the Judge, one for the witness to refer to, and one for the clerk to act as the original. The original copy should have an exhibit marker stapled to the first page of each exhibit in the lower right hand corner. The exhibit marker must appear substantially in the following form:

United States District Court  
Northern District of California

Case No. \_\_\_\_\_

{Name of Party}'s Exhibit No. \_\_\_\_\_

Date Entered: \_\_\_\_\_

Clerk, United States District Court

By: \_\_\_\_\_  
Deputy Clerk

These binders are to be delivered directly to Judge Conti's Chambers no later than three (3) days before the date of trial. They are not to be filed in the clerk's office.

IT IS SO ORDERED.

Dated: November 12, 2009



\_\_\_\_\_  
United States District Judge

INSTRUCTIONS FOR COMPLETING EXHIBIT MARKERS AND EXHIBIT LIST

EXHIBIT MARKERS

Counsel should fill in the appropriate markers leaving the "Date Entered" and "Deputy Clerk" lines blank.

Plaintiff's exhibits should be denoted as: P-1, P-2, P-3, etc.  
Defendant's exhibits should be denoted as: D-501, D-502, D-503, etc.

EXHIBIT LIST

Counsel are to supply all the requested information with the exception of the two "Date Boxes."

COLOR OF EXHIBIT BINDERS

Plaintiff's exhibit binders must be black and Defendant's exhibit binders must be blue.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. _____ <b>PLAINTIFF</b> Exhibit No. _____ Date Entered: _____ RICHARD W. WIEKING, CLERK By: _____ Deputy Clerk	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. _____ <b>DEFENDANT</b> Exhibit No. _____ Date Entered: _____ RICHARD W. WIEKING, CLERK By: _____ Deputy Clerk
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. _____ <b>PLAINTIFF</b> Exhibit No. _____ Date Entered: _____ RICHARD W. WIEKING, CLERK By: _____ Deputy Clerk	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. _____ <b>DEFENDANT</b> Exhibit No. _____ Date Entered: _____ RICHARD W. WIEKING, CLERK By: _____ Deputy Clerk
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DATE \_\_\_\_\_

VS .

## EXHIBIT LIST

( ) PLAINTIFF

( ) DEFENDANT

[illegible]